

MUNICIPALITY: Multiple (Providence/East Providence/Johnston

FILE NO.: LOCATION OF PREMISES:

070128 2 Ernest Street, Providence Operations Building
070129 2 Ernest Street, Providence Maintenance Building
070130 2 Ernest Street, Providence Valve & Meter Chamber
070131 2 Ernest Street, Providence Ash Crane Building
070132 2 Ernest Street, Providence R.A.S Pumping Station II
070133 2 Ernest Street, Providence Plant Water Pumping Station
070134 2 Ernest Street, Providence R.A.S. Pumping Station I
070135 2 Ernest Street Providence Screw Lift Pump Station/Blower Bldg.
070136 2 Ernest Street, Providence Primary Sludge Pump Station II
070137 2 Ernest Street, Providence Gravity Thickener Pumping Station
070138 2 Ernest Street, Providence Venturi Chamber #1
070139 2 Ernest Street Providence Storage Building [O & M Support])
070140 2 Ernest Street, Providence Grit Building
070141 2 Ernest Street, Providence Wet Weather Pumping Station
070142 2 Ernest Street, Providence Standby Power Building
070143 2 Ernest Street, Providence Ernest Street Pumping Station
070128 37 Ernest Street, Providence
070477 360 Central Avenue, Johnston
070419Z 68 Shipyard Street, Providence
070420 360 Reservoir Avenue, Providence

090149 102 Campbell Avenue, East Providence BPWWTF DAF Building

090150 102 Campbell Avenue, East Providence BPWWTF Administration Bldg.

090151 102 Campbell Avenue, East Providence BPWWTF No. Diversion Structure

090152 102 Campbell Avenue, East Providence BPWWTF Screenings & Grit Bldg

090153 102 Campbell Avenue, East Providence BPWWTF Service Building

090154 102 Campbell Avenue, East Providence BPWWTF Heat Exchanger Bldg.

090155 102 Campbell Avenue, East Providence BPWWTF Storage Building

080074 1 Service Road, Providence Lab

080180 1 Service Road, Providence Corporate Office Building

APPLICANT: Executive Director Raymond J. Marshall, P.E.

Narragansett Bay Commission

One Service Road

Providence, RI 02905

USE OR OCCUPANCY: Mixed (Primarily Special Purpose Industrial)

The above-captioned cases were scheduled for subcommittee hearing and review on August 19, 2010 at 1:00 P.M. At that time, Acting Chairman Newbrook and Commissioners Dias and Jackson were present. The fire service was represented by Chief of Inspections Scott Caron and Deputy State Fire Marshal Albert Heroux of the State Fire Marshal's Office. A motion was made by Commissioner Dias and seconded by Commissioner Jackson to recommend the attached corrected plan of action to the full Board for approval. The motion was unanimous.

The above subcommittee recommendation was thereupon scheduled for hearing and review by the full Board on August 31, 2010 at 1:00 P.M. At that time, Acting Chairman Newbrook and Commissioners Blackburn, Jackson, Preiss, Jasparro, Dias and Pearson were present. A motion was made by Commissioner Jackson and seconded by Commissioners Pearson and Dias to approve the subcommittee recommendation and grant the Applicant relief as outlined in the corrected plan of action. The motion was unanimous. Accordingly, the subcommittee recommendation now has the status of a full Board decision.

FINDINGS OF FACT

As a preliminary matter, the Board notes that former Fire Marshal DaCosta originally cited some of the subject facilities as "high hazard". However, upon review of this original classification, it was determined subsequently by the Fire Marshal's Office that those facilities would be best classified as "Special Purpose Industrial" in

light of their operations and the safeguards in place. The subcommittee and the Board confirmed the State Fire Marshal's findings that the six (6) subject facilities originally classified as high hazard would be better classified as "Special Purpose Industrial". The Board further finds that the remaining facilities are primarily industrial operations with minimum manning and no public access. The Board further finds that many, by the nature of their construction and the operational components, have structural hardships primarily involving travel distances. The Board further finds that the Applicant has worked diligently to correct as many deficiencies as possible within this facility and has worked closely with the State Fire Marshal's office in developing a plan of action for the correction of the remaining deficiencies or the granting of relief on the basis of structural hardship.

Finally, the Board hereby incorporates the corrected August 19, 2010 plan of action submitted by the Applicant and approved by the Fire Marshal as an approved plan of action for this facility.

CONCLUSIONS AND VARIANCE REQUESTS

1. The Board hereby adopts the August 19, 2010 corrected plan of action for this facility and grants the Applicant both the structural and time relief outlined therein to bring this facility into compliance in accordance with this plan of action, at the direction and to the satisfaction of the State Fire Marshal's office. In granting this variance, the Board notes that the State Fire Marshal's office has worked closely with the Applicant, has reviewed this plan of action

and has no objection to the granting of this relief.

STATUS OF DECISION AND APPEAL RIGHTS

This Decision represents a comprehensive, integrated plan of fire safety for the above-captioned facility under the above-cited use or occupancy. Accordingly, every variance granted is conditioned upon the Applicant's timely and continued compliance with all of the directives of the Board. Every variance granted is further conditioned upon the continued use or occupancy of this facility under the above-cited classification reviewed by the Board. (See: Board Rules and Regulations, section 6-2-17).

Failure of the Applicant to initially comply with the full Decision of the Board, within the stated time frame, shall void all variances granted herein. (See: Board Rules and Regulations, section 6-2-18.)

In the event of complete, timely and continued compliance with the full Decision of the Board, the above cited variances shall be deemed to have vested in the above-captioned facility. As long as this facility is in continued compliance with the full Decision of the Board, the above-cited variances shall remain with this facility in the absence of any change in use or occupancy mandating review under a separate classification of the Fire Code or a revision of the above-cited classification. (See: Board Rules and Regulations, section 6-2-19).

Such changes in use or occupancy of this facility, or failure to continually comply with the Board's Decision shall void all variances granted under the above-cited use or occupancy. If such change

creates a new use or occupancy as outlined in R.I.G.L. 23-28.1-6, all variances granted under the original use or occupancy are void and this facility shall be reviewed under the newly created use or occupancy. (See: Board Rules and Regulations, section 6-2-20).

The Applicant may appeal the Board's decision within thirty (30) days of the mailing date of this decision by submitting a written appeal of the above subcommittee recommendations to the entire Fire Board for review, pursuant to Board Rule 6-2-9. The Applicant shall thereupon be scheduled for hearing before the full Board of Appeal & Review. Commencement of such an action does not operate as an automatic stay of this decision (RIGL 42-35-15(c)).